

### REMARKS

Claims 17 and 33 were rejected under U.S.C. 103(a) as being obvious in view of the combined teachings of the either the Phillips, Hulett, or Bondoc et al. references and the Overbury reference. Claim 33 has been cancelled without prejudice or disclaimer, and the rejection of Claim 17 is respectfully traversed.

Amended independent Claim 17 now defines the invention as a roof covering including a plurality of successive generally horizontal courses of laminated shingles, the shingles in each course being laid in a side-by-side relationship and horizontally offset from the shingles in adjacent courses. Each laminated shingle includes an overlay member having front and rear surfaces, the overlay member including a headlap portion and a butt portion, the butt portion including a plurality of tabs separated by cutouts, each tab including a layer of granules on the front surface forming a generally uniform color blend. Each laminated shingle also includes an underlay member having a front surface attached to the rear surface of the overlay member, wherein each tab has a single color blend and the color blends of some of the tabs of each shingle have a color blend different from the color blend of others of the tabs. Additionally, one of the color blends of the tabs occurs more frequently than any of the other color blends of the tabs, thereby defining a predominant tab color blend so that the appearance of the roof covering simulates a natural slate roof.

New independent Claim 55 defines the invention as a roof covering including a plurality of successive generally horizontal courses of laminated shingles, the shingles in each course being laid in a side-by-side relationship and horizontally offset from the shingles in adjacent courses. Each laminated shingle includes an overlay member having front and rear surfaces, the overlay member including a headlap portion and a butt portion, the butt portion including a plurality of tabs separated by cutouts, each tab including a layer of granules on the front surface forming a generally uniform color blend. Each laminated shingle also includes an underlay member having a front surface attached to the rear surface of the overlay member, wherein each tab has a

single color blend and the color blends of some of the tabs of each shingle have a color blend different from the color blend of others of the tabs. Additionally, one of the color blends of the tabs is gray, the gray color blend occurring more frequently than any of the other color blends of the tabs, thereby defining a predominant tab color blend so that the appearance of the roof covering simulates a natural slate roof.

The claimed invention is not shown or suggested in any of the art of record. The Phillips reference relates to a laminated roofing shingle with staggered shadow lines on the underlay and the overlay. The Hulett reference relates to a three-layer laminated roofing shingle with shadow lines on the underlay. The Bondoc et al. reference relates to a laminated roofing shingle wherein the underlay has a color contrasting with the overlay. The Overbury reference relates to a method of reclaiming factory seconds, or single-layer tabbed shingles with imperfections. The butt edges of the reclaimed shingles are cut by hand to remove the imperfect parts and define an irregularly shaped tab. Additional asphalt and granular material may then be added by hand to the reclaimed and cut shingles to cover and seal the newly cut edges. The additional granular material covers surface imperfections and may be of different colors.

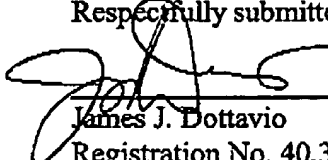
Therefore, the teachings of the Phillips, Hulett, and/or Bondoc et al. references (relating to laminated shingles) cannot be reasonably combined with the teachings of the Overbury reference (relating to reclaiming a factory second single-layer shingle) as suggested by the Examiner. The cited references do not show or suggest the present invention, nor would a person of ordinary skill in the art find it obvious to modify the cited references as suggested by the Examiner. Specifically, the cited references do not show or suggest a roof covering wherein (1) each tab has a single color blend, the color blends of some of the tabs of each shingle having a color blend different from the color blend of others of the tabs; and wherein one of the color blends of the tabs occurs more frequently than any of the other color blends of the tabs, thereby defining a predominant tab color blend so that the appearance of the roof covering simulates a

natural slate roof, or (2) wherein each tab has a single color blend, the color blends of some of the tabs of each shingle having a color blend different from the color blend of others of the tabs; and wherein one of the color blends of the tabs is gray, the gray color blend occurring more frequently than any of the other color blends of the tabs, thereby defining a predominant tab color blend so that the appearance of the roof covering simulates a natural slate roof, as claimed.

As further evidence of the non-obviousness of the applicant's invention, the applicant previously provided a Declaration in which the applicant set forth various facts clearly describing the significant commercial success of a shingle product sold by Owens Corning, the Assignee of the present application, and made according to one embodiment of the present invention. In the declaration, the applicant stated that the Owens Corning Berkshire® shingles have enjoyed wide success in the marketplace, and that an Owens Corning competitor, CertainTeed Corporation, has copied the concept underlying the invention due to Owens Corning's significant commercial success.

In view of the above amendments and remarks, the applicant has shown that the invention, as defined in the claims, is neither disclosed nor suggested by the references of record. Accordingly, the applicant respectfully requests withdrawal of the rejections of record, and allowance of all claims.

Respectfully submitted,



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